

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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	:
FRANK QUAGLIA,	:
	:
Plaintiff,	:
	:
-against-	:
	Civil Action No. 04-10460 RWZ
	:
BRAVO NETWORKS, NATIONAL	:
BROADCASTING COMPANY, INC., doing	:
business as NBC; RAINBOW	:
PROGRAMMING HOLDINGS, INC., and	:
DOES 1-10,	:
	:
Defendants.	:
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**DECLARATION OF DANIEL M. KUMMER IN  
SUPPORT OF DEFENDANTS' JOINT MOTION FOR  
ATTORNEYS' FEES AND COSTS**

Daniel M. Kummer, declares under penalty of perjury as follows:

1. I am over 18 years of age. I am an attorney duly licensed to practice in the State of New York, and I am a member in good standing of the bars of New York and Massachusetts (as to the latter, on “inactive” status). I have been admitted to practice law in the United States District Courts for the Southern and Eastern Districts of New York, the United States Courts of Appeal for the First, Second, Eleventh and D.C. Circuits, and the United States Court of Appeals for the Armed Services.

2. I am employed by defendant NBC Universal, Inc., formerly known as National Broadcasting Company, Inc. (“NBC”) as Vice President, Litigation, and was admitted *pro hac vice* as counsel for defendants NBC and Bravo Company (sued herein as Bravo Networks)

(“Bravo”) in this action. I make this declaration in support of Defendants’ Joint Motion for Attorneys’ Fees and Costs.

3. From March 2004 through September 2005, I expended substantial time and labor as lead counsel for defendants Bravo and NBC in the successful defense of this matter. However, as in-house counsel, I do not regularly keep time records. But for that fact, defendants’ joint fee application would have been for a much greater amount than the fees submitted by the two outside firms whose declarations also accompany this motion. Although NBC and Bravo do not seek compensation for my time and labor (or that of the NBC in-house law clerks who assisted me on this matter) as part of the present application, they reserve the right to do so in connection with any time and labor that I -- or one of my in-house colleagues -- may expend in opposing any appeal from the Court’s judgment.

4. NBC did engage the firm of Bingham McCutchen LLP to serve as local counsel for all of the defendants in this case, and paid all of the fees and disbursements billed by that firm on behalf of all defendants. Those fees and disbursements, totaling \$12,509.55, are detailed in the accompanying declaration of Jonathan M. Albano of that firm.

5. In addition, NBC incurred and paid directly for certain costs associated with the defense of this action, including the stenographic and transcription services of two court reporting services, Esquire and Atkinson-Baker, relating to depositions taken in this case, and the services of Thomson & Thomson Company, which retrieved a copy of plaintiff’s copyrighted work deposited with the Library of Congress. Attached hereto as **Ex. A** is a chart listing each invoice and the costs billed by those vendors, in the total amount of \$2,676.18, together with supporting documentation.

6. It is my professional opinion that those costs represent services that were necessary to secure the result obtained in this case, and that all these expenses were equally necessary to secure the result obtained.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 4, 2006.

By: /s/Daniel M. Kummer  
DANIEL M. KUMMER

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the plaintiff by First-Class Mail on April 4, 2006.

/s/Jonathan M. Albano  
Jonathan M. Albano